

SIMPSON THACHER & BARTLETT LLP
Harrison J. Frahn IV (CA Bar No. 206822)
hfrahn@stblaw.com
2475 Hanover Street
Palo Alto, California 94304
Telephone: (650) 251-5000
Facsimile: (650) 251-5002

SIMPSON THACHER & BARTLETT LLP
Peter C. Thomas (*pro hac vice*)
pthomas@stblaw.com
Janet M. Whittaker (*pro hac vice*)
janet.whittaker@stblaw.com
900 G Street, N.W.
Washington, D.C. 20001
Telephone: (202) 636-5500
Facsimile: (202) 636-5502

Attorneys for Petitioner Apple Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

APPLE INC.,

Petitioner,

vs.

BYD PRECISION MANUFACTURING CO.,
LTD. AND BYD COMPANY LIMITED,

Respondents.

Case No. 3:15-cv-04985-RS

**JOINT STIPULATION TO (1) EXTEND
TIME TO FILE REPLY BRIEF AND
CONTINUE HEARING (APPLE'S
MOTION TO COMPEL ARBITRATION
AND FOR PRELIMINARY
INJUNCTION) AND (2) EXTEND TIME
TO FILE OPPOSITION AND REPLY
BRIEFS AND CONTINUE HEARING
(BYD COMPANY LIMITED'S MOTION
TO DISMISS FOR LACK OF
PERSONAL JURISDICTION); and**

~~PROPOSED~~ ORDER

Hon. Richard Seeborg

Petitioner Apple Inc. (“Apple”) and Respondents BYD Precision Manufacturing Co., Ltd. (“Precision”) and BYD Company Limited (“Limited” and, together with Precision, “Respondents”) jointly stipulate, pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, to extend the time to file any reply brief regarding Apple’s Motion to Compel Arbitration and for Preliminary Injunction (Dkt. 3) (the “Motion to Compel Arbitration”), to extend the time to file any opposition and reply briefs regarding Limited’s Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 34) (the “Motion to Dismiss”), and to continue the hearing on the Motion to Compel Arbitration and Motion to Dismiss.

WHEREAS, on November 16, 2015, Apple filed a motion with this Court to (1) extend the deadline for any opposition to the Motion to Compel Arbitration from November 17, 2015 to November 24, 2015, and (2) extend the deadline for any reply in support of the Motion to Compel Arbitration from November 24, 2015 to December 1, 2015 (Dkt. 24);

WHEREAS, this Court granted Apple’s motion to extend time, and rescheduled the hearing on the Motion to Compel Arbitration for December 17, 2015 (Dkt. 25);

WHEREAS, on November 23, 2015, Apple and Respondents filed a joint stipulation with this Court to (1) extend the deadline for any opposition to the Motion to Compel Arbitration from November 24, 2015 to December 8, 2015, (2) extend the deadline for any response to Apple’s Petition for Order Compelling Arbitration and for Injunctive Relief Pending Arbitration from November 24, 2015 to December 8, 2015, (3) extend the deadline for any reply in support of the Motion to Compel Arbitration from December 1, 2015 to December 22, 2015, and (4) continue the hearing on the Motion to Compel Arbitration from December 17, 2015 to January 14, 2016 (Dkt. 26);

WHEREAS, this Court granted the parties’ joint stipulation to extend time without revision (Dkt. 27);

WHEREAS, on December 14, 2015, counsel for Apple and Respondents met and conferred regarding Apple’s request for a stipulation to take jurisdictional discovery prior to filing an opposition to the Motion to Dismiss;

1 WHEREAS, on December 15, 2015, Respondents rejected Apple's request for such a
 2 stipulation and Apple instead moved this Court for such relief in its Administrative Motion to
 3 Extend Time for Briefing and Hearing and for Leave to Take Early Jurisdictional Discovery
 4 (Dkt. 37) (the "Administrative Motion For Discovery");

5 WHEREAS, Apple's opposition to the Motion to Dismiss may now be due prior to the
 6 Court's ruling on the Administrative Motion For Discovery;

7 WHEREAS, on December 18, 2015, Respondents requested that Apple stipulate to an
 8 extension regarding Respondents' deadline to appoint an arbitrator in the related ICC Arbitration
 9 that forms the basis for this proceeding, and Respondents agreed to extend Apple similar
 10 courtesy with respect to the deadlines in this matter;

11 Now therefore, and notwithstanding any additional extension of time that the Court may
 12 grant in response to the Administrative Motion For Discovery, the parties, through the
 13 undersigned counsel, hereby stipulate as follows:

- 14 • that the deadline for filing any reply in support of the Motion to Compel
 15 Arbitration be extended to January 4, 2016;
- 16 • that the deadline for filing any opposition to the Motion to Dismiss be extended to
 17 January 4, 2016;
- 18 • that the deadline for filing any reply in support of the Motion to Dismiss be
 19 extended to January 14, 2016;
- 20 • that the hearing on the Motion to Compel Arbitration and Motion to Dismiss be
 21 continued to January 28, 2016; and
- 22 • the foregoing dates shall be reset should the Court grant the Administrative
 23 Motion For Discovery and approve the proposed schedule set forth therein (Dkt.
 24 37).

25 Pending the Court's determination of the Administrative Motion for Discovery, the
 26 parties' proposed time modification would impact the deadlines in this case as follows:

Deadline	Current Date	Requested Date
Apple's reply in support of the Motion to Compel Arbitration	12/22/2015	01/04/2016
Apple's opposition to the Motion to Dismiss	12/22/2015	01/04/2016
Limited's Reply in support of the Motion to Dismiss	12/29/2015	01/14/2016
Hearing on the Motion to Compel Arbitration and Motion to Dismiss	01/14/2016	01/28/2016

Dated: December 21, 2015

SIMPSON THACHER & BARTLETT LLP

By: /s/ Harrison J. Frahn IV
Harrison J. Frahn IV

Attorneys for Petitioner Apple Inc.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Lance A. Etcheverry
Lance A. Etcheverry

Attorneys for Respondents BYD Company Limited and BYD Precision Manufacturing Co., Ltd.

Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Harrison J. Frahn IV

~~[PROPOSED]~~ ORDER

PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT IS
ORDERED THAT:

1. the deadline for any reply in support of Apple's Motion to Compel Arbitration and for Preliminary Injunction be extended from December 22, 2015 to January 4, 2016;
2. the deadline for any opposition to Limited's Motion to Dismiss for Lack of Personal Jurisdiction be extended from December 22, 2015 to January 4, 2016;
3. the deadline for any reply in support of Limited's Motion to Dismiss for Lack of Personal Jurisdiction be extended from December 29, 2015 to January 14, 2016; and
4. the hearing on Apple's Motion to Compel Arbitration and for Preliminary Injunction and Limited's Motion to Dismiss for Lack of Personal Jurisdiction be continued from January 14, 2016 to January 28, 2016.

DATED: 12/21, 2015



The Honorable Richard Seeborg
United States District Court Judge